

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR
9004-1(b)**

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Attorneys for

In Re:
Hanjin Shipping Co., Ltd.

Case No.: 16-27041 (JKS)
Chapter: 15
Hearing Date:
Judge: John K. Sherwood

**MOTION TO CLARIFY ORDER
GRANTING, IN PART, AND DENYING, IN PART,
MOTION TO SHORTEN TIME FOR HANJIN TO APPEAR
FOR BANK. R. 2004 DEPOSITION WITH DOCUMENT PRODUCTION**

McAllister Towing & Transportation, Inc., Glencore, Chemoil, SeaCube, Textainer
Equipment Management (U.S.) Limited, Oceanconnect Marine, Inc., and Trac Intermodal
(collectively, the “Movants”) previously moved this Court for an Order to Shorten Time for
Hanjin to Appear for a Bank. R. 2004 Deposition with Document Production. On October 17,
2016 this Court granted an Order (ECF 368) requiring, in part, that

If at any time after the Hearing, the Foreign Representative has knowledge that
the charter for any of the vessels listed below (collectively, the “Vessels”) has or
will be terminated, **the Foreign Representative shall promptly inform Movants’
counsel by electronic mail specifying the Vessel¹ name and the date or event
(and time, if applicable) on which such Vessel is scheduled to go off charter.**

¹ The Vessels are: Hanjin Greece, Hanjin Boston, Hanjin Gdynia, Hanjin Scarlet, Seaspan
Efficiency, Hanjin Miami, Hanjin Jungil, Hanjin Marine, Hanjin Baltimore, Hanjin
Bremerhaven, Hanjin Switzerland, Hanjin Croatia, Hanjin Gwanseum, and Hanjin Chongqing.

(ECF 368, p. 2).

Counsel to the Foreign Administrator has already taken advantage of the lack of specific time constraint on this Court's Order to "promptly" notify Movants' counsel regarding the change in charter status of at least one Vessel that Movants' counsel is aware of. Despite repeated requests from Movants' counsel that counsel to the Foreign Administrator confirm reports that the SEASPAN EFFICIENCY was off charter at least as early as October 15, 2016, counsel to the Foreign Administrator refused to provide that information as late as 7:21 AM EST on October 15, 2016. In fact, in complete disregard of this Court's clear requirement that Movants be notified **promptly** of any change in the charter status of the Vessels, Ms. Volkov went so far as to claim that Movants' counsel was "harassing" the Foreign Administrator by simply requesting timely responses to inquiries regarding charter status:

Steve, we filed a Declaration yesterday morning with the court. I trust you saw it. I would appreciate if you would stop harassing us about the Seaspans Efficiency. We know what the judge ordered and have every intention to comply. Thank you and have a great weekend.

(See Email from Ms. Volkov of October 15, 2016 attached hereto as **Exhibit A**).

Remarkably, undersigned counsel received notice from Ms. Volkov as late as October 18, 2016 at 8:45 AM that the SEASPAN EFFICIENCY was taken off charter on October 15, 2016:

Steve: I was informed this morning that the Foreign Representative terminated the charter for the Seaspans Efficiency on October 15, 2016.

(See Email from Ms. Volkov of October 18, 2016 attached hereto as **Exhibit B**). Even more incredulous regarding Ms. Volkov's untimely "notification" to Movants' counsel is that the Vessel was likely actually off charter as early as October 14, 2016 because the Foreign Representative was likely as he usually is, located in Korea, at the time that he apparently passed along notice of the "off charter" status to Ms. Volkov. In light of the purposely deceptive

practices of Hanjin and its counsel, Movants have been left without any of the protection it is afforded as a U.S. creditor pursuant to 11 U.S.C. § 1522. The SEASPAN EFFICIENCY is now well on its way to be scrapped, and Oceanconnect Marine, Inc. is left without any recourse to enforce its maritime lien in the amount of at least USD 837,338.76, despite having to incur significant attorneys' fees in order to attempt to enforce its maritime lien rights.

It is undeniable that Movants have been prejudiced by Ms. Volkov's willful disregard of the Court's Order to provide prompt notification of any change in the charter status of the Vessels. Without further clarification from this Court in the form of a more stringent deadline for notifications from Ms. Volkov, it is more than likely that the Foreign Representative and its counsel will engage in further purposely deceptive behavior in delaying notice of any change in charter status of the Vessels. As such, it is only reasonable, and required in order to protect the interests of U.S. creditors, pursuant to 11 U.S.C. 1522, in order for this Court to require e-mail notification to Movants' counsel from counsel for the Foreign Representative within one hour of receiving notice that there has been or will be a change in the charter status of a Vessel. Given Ms. Volkov's history of disregarding the intention of this Court's order so far, along with willingly forcing creditors, including Movants, to incur substantial attorneys' fees in attempting to gain access to information about the charter status of the Vessels, to which this Court has already found that creditors should be able to access, a further clarification of this Court's Order is required.

WHEREFORE, OCM respectfully request that this Court enter an order, in the proposed form submitted herewith, clarifying its requirement that counsel to the Foreign Administrator notify

Dated: October 18, 2016.

WASSERMAN, JURISTA & STOLZ, P.C.
Counsel to Oceanconnect Marine, Inc. (“OCM”),
and Trac Intermodal (“TRAC”)

By: /s/ Donald W. Clarke

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